

TFW 2143



BARNES & THORNBURG

11 South Meridian Street
Indianapolis, Indiana, 46204
Tel. (317) 236-1313
Fax (317) 231-7433

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23643

Art Unit: 2143

Confirmation No.: 2201

Application No.: 10/039,584

Invention: METHOD OF FACILITATING
MEDICAL CONSULTATIONS

Inventor: James R. Buechler, et al.

Filed: October 26, 2001

Attorney

Docket: 5489-69021

Examiner: Pwu, Jeffrey C.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on august 3, 2006

Kim Tyree
(Signature)

Kim Tyree
(Printed Name)

AMENDMENT

Mail Stop Fee/Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 27, 2006, please amend the subject application as provided below, and consider the following remarks.

Listing of Claims begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

08/08/2006 SSESHE1 00000044 100435 10039584

01 FC:2252 225.00 DA

consultation on a machine via the internet, wherein requesting a consultation includes consult data and submitting a consultation includes the second healthcare provider's assessment and/or diagnosis" as required by claim 1.

Accordingly, Applicants respectfully submit that amended independent claim 1, and dependent claims 2-63, are not anticipated by Joao, and hence withdrawal of the 35 U.S.C. 102(e) rejection thereof is respectfully requested.

Reconsideration of the rejection of claim 1 as being unpatentable under 35 U.S.C. 103(a) over a Bell's telephone is requested. Regarding claim 1, contrary to the Examiner's position, the use of a telephone by a first doctor to consult a second doctor does not disclose or suggest a method including "the first healthcare provider requesting a consultation on a machine via the internet, and the second healthcare provider submitting a consultation on a machine via the internet." Accordingly, Applicants respectfully submit that amended independent claim 1 patentably distinguishes over Bell's telephone, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephone interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants petition for a two month extension of the term for response to August 27, 2006. The Commissioner is authorized to charge the \$225 fee for this petition, as well as any other fees that are due to constitute this a timely response to the March 27, 2006 official action, to our undersigned counsel's deposit account 10-0435, with reference to file 5489-69021.

Respectfully submitted,



Richard D. Conard
Registration No. 27321
Attorney for Applicants

Indianapolis, Indiana
Tel: 317-231-7285
Fax: 317-231-7433
Email: richard.conard@btlaw.com